

**PDC-18-19(Z)(G) SaraBay Development/DBM MARINA DEVELOPMENT – PLN1808-0047**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the Official Zoning Atlas (Ordinance No. 15-17, as amended, the Manatee County Land Development Code); relating to zoning within the unincorporated area; providing for the rezoning of approximately 4.37 acres located on the east side of US 41 and north of Whitfield Avenue (western portion of an approximately 8.81 acre parcel) at 7045 North Tamiami Trail, Sarasota (Manatee County) from the PDO/WR/HA/AI (Planned Development Office/Whitfield Residential/Historical and Archeological/Airport Impact Overlay Districts) [approximately 3.79 acres] and RSF-3/WR/HA/AI (Residential Single-Family 3 dwelling units per acre/Whitfield Residential/Historical and Archeological/Airport Impact Overlay Districts) [approximately 0.58 acres] to the PDC (Planned Development Commercial) zoning district, retaining the WR/HA/AI (Whitfield Residential/Historical and Archeological/Airport Impact) Overlay Districts; approving a General Development Plan for 66,625 square feet of commercial space including vehicle sales and display areas; approving a Schedule of Permitted and Prohibited Uses (as voluntarily proffered by the applicant and attached as Exhibit B); subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**Planning Commission: 09/12/2019**  
**Board of County Commissioners: 10/03/2019**

**RECOMMENDED MOTION:**

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to **APPROVE** Manatee County Zoning Ordinance No. PDC-18-19(Z)(G); **APPROVE** a General Development Plan with Stipulations A.1-A.9, B.1-B.3, C.1-C.3, and D.1-D.2, as recommended by the Planning Commission.

(Commissioner Servia)

**PLANNING COMMISSION ACTION:**

On September 12, 2019, by a vote of 7 – 0, the Planning Commission recommended approval.

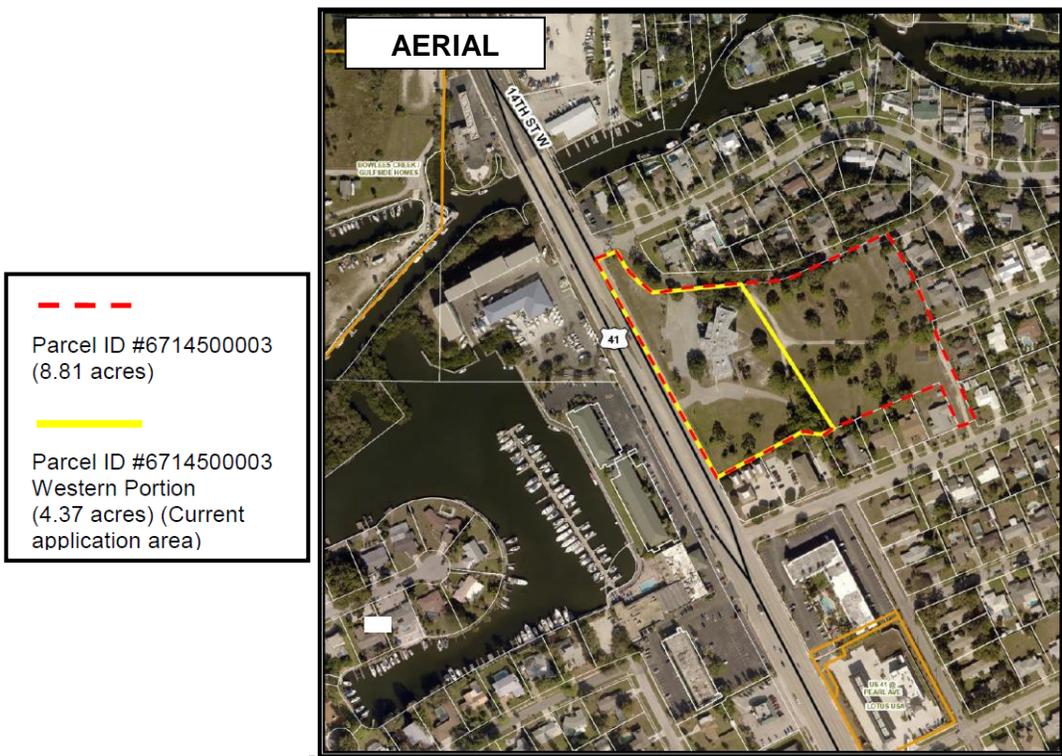
**PUBLIC COMMENT AND CORRESPONDENCE:**

September 12, 2019 Planning Commission  
There was no public comment.  
Nothing was entered into the record.

<b>PROJECT SUMMARY</b>	
<b>CASE NUMBER</b>	PDC-18-19(Z)(G) / PLN1808-0047
<b>PROJECT NAME</b>	SaraBay Marina 4.37 Acre
<b>LAND OWNER (S)</b>	DBM Marina, LLC
<b>APPLICANT(S) / AGENT</b>	Brian Smith, ASLA / ENSITE, Inc
<b>PROPOSED ZONING</b>	<ul style="list-style-type: none"> <li>• PDC (Planned Development Commercial)</li> </ul>
<b>EXISTING ZONING</b>	<ul style="list-style-type: none"> <li>• PDO (Planned Development Office) (±3.79 acres)</li> <li>• RSF-3 (Residential Single-Family 3 du/acre) (±0.58 acres)</li> </ul>
<b>PROPOSED USES(S)</b>	66,625 square feet of commercial space (0.35 FAR)
<b>CASE MANAGER</b>	Rossina Leider, Principal Planner
<b>STAFF RECOMMENDATION</b>	APPROVAL with stipulations

**DETAILED DISCUSSION**

The approximately 4.37 acres vacant site is located east of US 41, approximately 1,850 feet north of Whitfield Avenue, and is the western portion of an 8.81± acre parcel (Parcel ID #6714500003) commonly known as 7045 North Tamiami Trail, Sarasota (Manatee County).



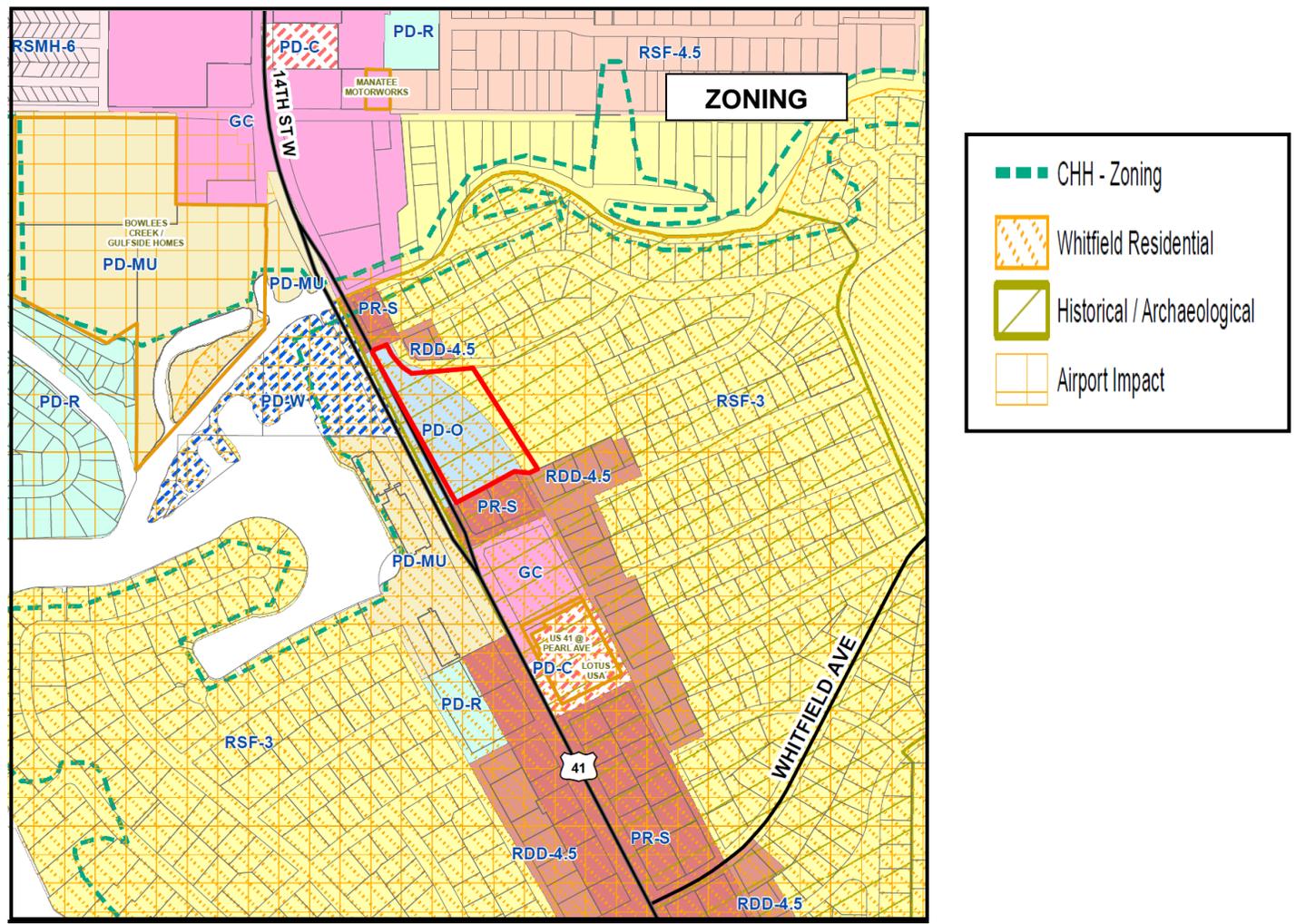
The Future Land Use Category (FLUC) for the project area is R/O/R (Retail/Office/Residential) and lies entirely within the CPA (Coastal Planning Area), the CEA (Coastal Evacuation Area), the Coastal High Hazard Area, and the AI (Airport Impact).

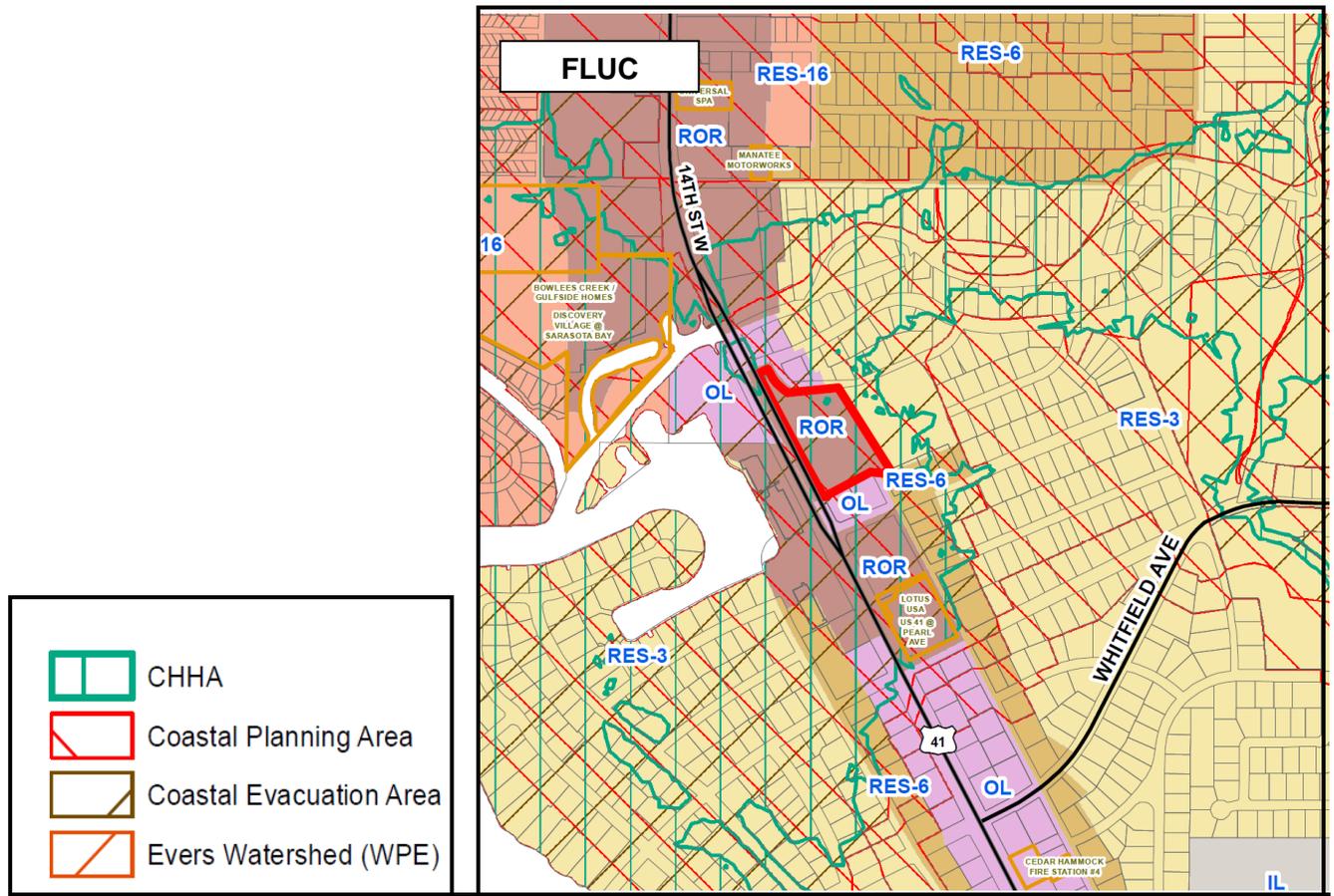
**History:**

1989 (Comprehensive Plan Adoption): Property designated OL (Low Intensity Office) and RES-3 (Residential 3 dwelling units per acre).

1990 (Land Development Code Adoption): Property has been zoned PDO (Planned Development Office) and RSF-3 (Residential Single-Family 3 du/acre) with the WR (Whitfield Residential), HA (Historical and Archeological), and AI (Airport Impact) Overlay Districts.

June 6, 2019: A Comprehensive Plan Amendment to the Future Land Use Map was approved to change the Future Land Use Categories of the project area from OL (Low Intensity Office) and RES-3 (Residential-3) to R/O/R (Retail/Office/Residential), including a specific property development condition (Policy 2.14.1.13 - D.5.13/Ordinance 19-12) to limit the maximum potential development of the property to 24 residential units and 66,625 square feet of non-residential uses (commercial and office).





**Request and Detailed Discussion**

The request is to rezone a 4.37± acre vacant site from the PDO (Planned Development Office) [3.79± acres] and RSF-3 (Residential Single-Family 3 du/acre) [0.58± acres] to PDC (Planned Development Commercial) retaining the WR/HA/AI (Whitfield Residential/Historical and Archeological/Airport Impact) Overlay Districts. The applicant also requests approval of a General Development Plan for 66,625 square feet of commercial space including vehicle sales and display areas, as well as a Schedule of Uses (voluntarily proffered by the applicant and attached as Exhibit B of the Zoning Ordinance).

The applicant submitted a General Development Plan (GDP) which includes the following: (See GDP on page 5)

- Two buildings on the east portion of the site for the location of non-residential uses including vehicle sales and display areas and a maximum building height of 34 feet (two stories). All potential and prohibited on site uses are identified on the proposed “Schedule of Uses” (See Attachment “B”).
- A maximum gross floor area of 66,625 square feet and 0.35 Floor Area Ratio (FAR) in compliance with the limitations of the Comprehensive Plan Policy 2.14.1.13 - D.5.13/Ordinance 19-12.
- One access point along the US 41 N Corridor connecting to internal driveways with direction west-east and north-south (main and secondary driveways, respectively).
- Existing external sidewalk along the Tamiami Trail, and proposed sidewalk along Jungle Way (5 feet wide minimum).
- Stormwater facility on the north portion of the site.
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- 20% open space (0.87 acres) meeting the minimum requirement for a project in the PDC zoning district.
- Setbacks in compliance with the regulations of LDC 402.11 as follows:
  - Front: 30 feet (US 41 N – Arterial roadway) & 35 feet (Jungle Way – Local roadway)
  - Side: 15 feet (to the south) and 20 feet (to the east adjacent to residential exceeding the 15 feet minimum requirement)

Wetland Buffer: N/A

- Adequate buffers, screening, and landscaping:
  - Roadway buffer along US 41 N and Jungle Way (15 feet wide) exceeding the minimum requirement (10 feet wide).
  - 15 feet wide perimeter buffer along to the east boundary, as well as the east portion of south boundary adjacent to residential area (use and zoning). 5 feet wide perimeter buffer is proposed along the south boundary where the site is abutting commercial service uses (offices).
  - Proposed amount of planting material within the buffers meets and/or exceeds minimum requirements of LDC Section 701.
- No detail of parking areas (off-street, loading, handicap, and bicycle racks), services zones, and foundation landscaping have been provided. At time of Preliminary/Final Site Plan the applicant shall comply with all applicable LDC regulations since no Specific Approval is requested as part of the current application.

The subject property is located along a major thoroughfare (US 41 N - arterial roadway), and adjacent to commercial areas (hotel, restaurant, and marina) to the west across US 41, commercial services (professional and medical offices) and residential uses (single-family dwelling units) to the north and south, and vacant residential land to the east.

The site is eligible to be considered for commercial development since the R/O/R FLUC includes a variety of commercial categories in the range of potential uses (neighborhood, community, and regional serving). The proposed uses are shown in the Schedule of Uses voluntarily proffered by the Applicant (Attachment 4). Also, per Comprehensive Plan Policies 2.10.4.2 and 2.10.4.3 of the Comprehensive Plan, commercial projects within the R/O/R FLUC are exempted from compliance with commercial locational criteria requirement and are not required to be separated from adjacent residential uses by the right-of-way of any roadway functionally classified as collector or higher.

Since the project site has frontage along a state road (US 41 N), the Florida Department of Transportation (FDOT) is the entity responsible for the approval of access point location and roadway improvements along this referenced thoroughfare.

The proposal complies with the regulations of the LDC Section 402.11 – Planned Development Commercial. Furthermore, the project is subject to the requirements of LDC Section 531.57 – Vehicle Sales, Rental, Leasing, which specifically regulates the location of this type of use, relationship with adjacent residential properties (setback and screening including outdoor display areas), as well as the use of outdoor speakers. At time of PSP/FSP, the project shall comply with applicable listed requirements of the above referenced sections of the LDC, including adequate separation and screening from residential properties to the north, south, and east, and adequate design of the outdoor display areas.

The only residential uses allowed within the PDC zoning district are nursing homes, recovery homes, and assisting living facilities defined as “acute care medical facilities”. However, since the site lies entirely within the CEA and CHHA Overlay Districts, these uses are prohibited (Attachment 4).

Policy 2.3.3.3. requires that “nonresidential buildings or nonresidential components of mixed use buildings within the 100-year floodplain are constructed to meet the finished floor elevation or meet and/or exceed the performance standards established by the Federal Emergency Management Agency.” The site is within the

FEMA 2014 FIRM 100-year floodplain (Zone AE) with a Base Flood Elevation (B.F.E.) of 11.5 feet.

FEMA 100-year Floodplain



The site is mapped within the Urban Core, and part of the Urban Service Area, the Southwest Tax Increment Financing (TIF) district, and a designated Urban Corridor of Manatee County (Tamiami Trail) which are areas where redevelopment and revitalization are encouraged to promote economic prosperity and enhancement of the urban environment.

Since the project area lies within the Airport Impact Overlay, the Sarasota Manatee Airport Authority was contacted and verified that a maximum proposed height of 34 feet, plus an additional elevation required for flood hazard mitigation (another  $\pm 11.5$  feet) would not pose risks for air traffic (See attachment 5 - Correspondence from the Sarasota Manatee Airport Authority).

The standards of the WR (Whitfield Residential Overlay District) mainly pertain to residential development, and the proposed site plan does not contradict any of the regulations listed on LDC Section 403.13.

In addition, the site is within the HA (Historical and Archeological Overlay District). However, there were no known historic structures or other cultural resources found on this site. Stipulation A.6 requires that if any significant historical or archaeological resource is discovered during development activities, the findings shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

PDC zoning provides flexibility for the project to establish appropriate design conditions (buffers, dimensional standards, etc.) and mechanisms to mitigate potential adverse impacts to surrounding properties. No Specific Approval has been requested.

Staff recommends APPROVAL of this request with stipulations.

<b>SITE CHARACTERISTICS AND SURROUNDING AREA</b>		
<b>ADDRESS</b>	7045 North Tamiami Trail, Sarasota (Manatee County)	
<b>GENERAL LOCATION</b>	East side of US 41 (Tamiami Trail) approximately 1,850' north of Whitfield Avenue	
<b>ACREAGE</b>	4.37 acres (western portion of an 8.81-acre parcel)	
<b>EXISTING USE(S)</b>	Vacant site (previously place of worship facility demolished in 2017)	
<b>FUTURE LAND USE CATEGORY</b>	R/O/R (Retail/Office/Residential)	
<b>OVERLAY DISTRICT(S)</b>	Airport Overlay, Historical Overlay, Whitfield Overlay, Coastal Evacuation Area, partially within the Coastal High Hazard Area	
<b>INTENSITY (F.A.R)</b>	<u>Maximum allowed in R/O/R:</u> 0.50/1.0 for mixed-use and along Urban Corridor	<u>Proposed:</u> 0.35 maximum allowed per Policy 2.14.1.13 (D.5.13/Ord.19-12)
<b>SPECIFIC APPROVAL(S)</b>	NONE	
<b>SURROUNDING USES and ZONING</b>		
	<u>Zoning</u>	<u>Uses</u>
<b>NORTH</b>	PR-S (Professional Small), RSF-3 (Residential Single-Family, 3 du/acre) and RDD-4.5 (Residential Duplex, 4.5 du/acre)	Offices (professional and medical services), and single-family residences
<b>SOUTH</b>	PR-S (Professional Small) and RDD-4.5 (Residential Duplex, 4.5 du/acre)	Offices (medical services) and residential (duplexes)
<b>EAST</b>	RSF-3 (Residential Single-Family, 3 du/acre)	Vacant residential land. Further east, single-family residences
<b>WEST</b>	PDMU (Planned Development Mixed-Use) and PDW (Planned Development Waterfront)	Hotel (Ramada Inn), restaurant and SaraBay Marina
<b>SITE DESIGN DETAILS</b>		
<b>SETBACKS (Minimum required by LDC Section 402.11 and proposed)</b>	Front (US 41 N)	30 feet (required and proposed)
	Front (local street)	35 feet (required and proposed)
	Side	15 feet (required) (15 feet proposed along south boundary and 20 feet along east boundary)
	Wetland Buffer	N/A (no wetlands on site)

<b>BUILDING HEIGHT</b>	2-story (34 feet maximum)
<b>OPEN SPACE</b>	Required and Proposed: 20% (0.87 acres)
<b>ACCESS</b>	One access point along US 41 (Tamiami Trail)
<b>PARKING MINIMUMS</b>	Compliance with requirements of LDC Sections 1005 and 1006 at PSP/FSP stages when a specific use is selected
<b>FLOOD ZONE(S)</b>	Site lies in Zones X and AE per FIRM Panel 12081C0312E, effective 3/17/2014. Most of the site is within the FEMA 2014 FIRM 100-year floodplain (Zone AE) with a Base Flood Elevation (B.F.E.) of 11.5 feet. The project is not within a delineated 25-year floodplain pursuant to a county year flood study.
<b>AREA OF KNOWN FLOODING</b>	Yes, rainfall / storm surge. Watershed/Basin: Bowless Creek. A 50% reduction of the allowable pre-development rate of runoff is required for this project.
<b>UTILITY CONNECTIONS</b>	The following water and wastewater facilities are in the vicinity of this development project:  <b>Water:</b> 12" potable water main along east side of U.S. 41 and 6" potable water main along the south side of Jungle Way that borders the northern property line.  <b>Wastewater:</b> 6" sanitary gravity sewer along Jungle Way, with 6" sewer lateral to subject property.  <b>Reclaimed:</b> No reclaimed water available to this site.

**ENVIRONMENTAL INFORMATION**

**Wetlands**

There are no wetlands on or adjacent to this project.

**Uplands**

No native habitat exists on site.

**Trees**

The applicant has included a note on the General Development Plan stating the project will be in compliance with LDC Section 700 - Tree Protection.

**Landscaping/Buffers**

All perimeter and roadway landscape buffers are labeled appropriately on the plan set and provide code-compliant buffer widths along adjacent properties. The applicant has a note on the General Development Plan stating it will be in compliance with LDC Section 701 – Landscaping Requirements.

	<u>Required</u>	<u>Proposed</u>
North	10 feet wide (2 trees, 33 shrubs /100 linear feet [LF])	15 feet wide (2 canopy trees, 33 shrubs / 100 linear feet plus 6 feet opaque fence/wall)
South (adjacent to office use)	5 feet wide and landscaping per Figure 7-3 of LDC	5 feet wide (2 and ½ canopy trees and 33 shrubs per 100 LF)

South (adjacent to residential)	15 feet wide and landscaping per Figure 7-3 of LDC	15 feet wide, to be planting per LDC Figure 7.3 (Screening Option to be determined at PSP/FSP stage)
East (adjacent to vacant residential)	15 feet wide and landscaping per Figure 7-3 of LDC	15 feet wide, to be planting per LDC Fig.7.3 (Screening Option to be determined at PSP/FSP stage)
West (US 41)	10 feet wide (2 trees, 33 shrubs/100 linear feet)	15 feet wide (2 canopy trees, 33 shrubs / 100 linear feet)

**TRANSPORTATION**

**Major Transportation Facilities**

The site is located on the east side of US 41, approximately 1,850 feet north of Whitfield Avenue. US 41 is designated as a six-lane arterial roadway with a planned right of way width of 150 feet, as determined by FDOT, in the Comprehensive Plan’s Future Traffic Circulation Plan.

**Transportation Concurrency**

The Applicant is seeking an approval for a rezoning and a General Development Plan (GDP) approval at this time, and, thus cannot obtain concurrency until the Preliminary Site Plan (PSP)/Final Site Plan (FSP) review stage(s) of this project. At that time, the Applicant will be required to submit a traffic study to determine if any off-site concurrency-related improvements are required by the project. The applicant did provide a Traffic Impact Statement (TIS) for the 4.37-acre rezoning to gauge the maximum impacts associated with allowable uses for the 8.81-acre parcel. Based on the study, it appears the potentially impacted segment of US 41 will have sufficient capacity for the proposed project traffic (see Certificate of Level of Service Compliance table below).

**Access**

At the time of future site plan submittal and accompanying traffic analysis review, all proposed access points will be evaluated to determine if any site-related improvements will be required for the site.

**CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE  
TRANSPORTATION CONCURRENCY**

**CLOS APPLIED FOR:** No (A CLOS cannot be issued with a GDP)  
**TRAFFIC STUDY REQ'D:** Yes (A TIS was submitted and reviewed; however, a traffic study will be required at PSP or FSP)

NEAREST THOROUGHFARE	LINK	ADOPTED LOS	FUTURE LOS (W/PROJECT)
US 41	3371	D	C

**OTHER CONCURRENCY COMPONENTS**

Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of application for concurrency. Potable water, wastewater, and/or school facilities will be reviewed at the time of FSP.

**POSITIVE ASPECTS**

- The site is within R/O/R FLUC, a land use designation that allows a variety of commercial and service facilities to serve nearby residents as well as passerby motorist

- The site has direct access to a six-lane arterial roadway (US 41)
- 15 foot wide roadway buffer including an opaque fence along a local street (Jungle Way) is shown on the site plan and is included as Stipulation A.8
- Proposed uses are comparable with existing retail and service commercial uses along the North Tamiami Trail (US 41 Corridor).
- Roadway networks, utilities and other services exist to support the development of the site.
- Provision D.5.13 of the Comprehensive Plan (Policy 2.14.1.13) limits the amount of square footage of non-residential space to be developed within the project area to avoid potential adverse impacts to the short and long term traffic operational conditions in the area.

**NEGATIVE ASPECTS**

- The intensity and range of potential non-residential uses allowed within R/O/R FLUC may be potentially incompatible with adjacent residential areas to the north, south, and east.
- There may be potential negative impacts to adjacent residential areas related to noise, lights, and glare.

**MITIGATING MEASURES**

- The applicant has voluntarily proffered Attachment 4 which limits the potential uses for this project.
- Adequate buffering, landscaping, and design are proposed and stipulation to transition between the future commercial facility and adjacent or nearby residential areas.
- At time of development, the project shall comply with all applicable LDC regulations related to lighting, noise, screening, traffic design, roadway improvements, stormwater requirements, as well as any specific use regulation inherent to the proposed use.

**REMAINING ISSUES OF CONCERN  
(NOT RESOLVED OR CONDITIONED WITH RECOMMENDATION OF APPROVAL)**

No remaining issues.

**COMPLIANCE WITH LDC**

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
<b>BUFFERS</b>				
<b>10 feet roadway buffer along US 41 and Jungle Way</b>	15 feet wide shown planting per 100 linear feet with: - <u>US 41</u> : 2 canopy trees and 33 shrubs - <u>Jungle Way</u> : 2 canopy trees and 33 shrubs plus 6 feet opaque fence/wall	Y		Exceeds standard (Stipulation A.8)

<b>5 feet perimeter buffer - south boundary adjacent to commercial service use (professional offices)</b>	5 feet wide shown planting with 2 ½ canopy trees and 33 shrubs per 100 LF (per LDC Figure 7-3 Option B).	Y		Meets standard
<b>15 feet perimeter buffer - south boundary adjacent to residential (single-family duplexes)</b>	15 feet wide, to be planting per LDC Fig.7.3 (Screening Option to be determined at PSP/FSP stage)	Y		Meets standard
<b>15 feet perimeter buffer - east boundary adjacent to residential (vacant residential land)</b>	15 feet wide, to be planting per LDC Fig.7.3 (Screening Option to be determined at PSP/FSP stage)	Y		Meets standard
<b>Foundation landscaping (20 square feet) (LDC Section 701.5)</b>	Not Shown	Y		Note 9 on Cover Sheet

**SIDEWALKS**

<b>5 feet sidewalk, exterior along US 41</b>	Shown (5 feet existing)	Y		Meets standard
<b>5 feet sidewalk, exterior along Jungle Way</b>	Shown (5 feet proposed)	Y		Meets standard

**ROADS and RIGHTS-OF-WAY**

<b>24 feet internal driveways (two-way) (LDC Section 1004)</b>	24 feet minimum	Y		Note 9 on Cover Sheet
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**COMPLIANCE WITH THE LAND DEVELOPMENT CODE**

- Review Criteria for Zoning Map Amendments (LDC Section 342.3)
- Review Criteria for all Planned Development Site Plans (LDC Section 402.6)
- PDC – Planned Development Commercial Standards (LDC Section 402.11)
- Airport Overlay District (LDC Section 403.2)
- Historical Overlay District (LDC Section 403.5)
- Whitfield Overlay District (LDC Section 403.13)

The following represents a demonstration of how the application will achieve compliance with LDC Sections 342.3, 402.6, 402.11, 403.2, 403.5, and 403.13. The criteria listed below are used to evaluate each specific request for rezoning to ensure compliance with the Comprehensive Plan and to establish stipulations to be adopted for Planned Development districts.

**Physical Characteristics, Natural Features, Conservation, and Preservation Areas**

The approximately 4.37-acre site is the western portion of an approximately 8.81-acre parcel (Parcel ID #6714500003) with frontage along US 41 to the west (approximately 705 feet), as well as Magellan Drive (approximately 64 feet) and Jungle Way (approximately 530 feet) to the north. The site has been vacant since 2017 when a place of worship facility was demolished (Whitfield Estates Presbyterian Church). There are no wetlands, native upland habitats or/and listed endangered species within the site, nor any stormwater facility or retention ponds. The existing trees will be replaced, and/or a payment made to the tree fund as required by the LDC. (See Note 2 on cover sheet of the GDP)

The site is entirely located within the Coastal High Hazard Area Overlay District, as well as the Coastal Evacuation Area Overlay District, and Coastal Planning Area.

**Public Utilities, Facilities and Services**

Currently, the proposed General Development Plan (GDP) does not have a utility master plan for potable water, wastewater, and reclaimed water demonstrating build-out needs and the adequacy of existing Manatee County infrastructure to meet the GDP proposed Build-Out condition. However, connection to Manatee County utilities is required and will be reviewed in greater detail with future Preliminary/Final Site Plan submittals.

The site will be served by County water and sewer via connection to existing facilities along US 41 and Jungle Way. Reclaimed water is not available to the site. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified at Final Site Plan stage. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the applicant in accordance with the appropriate County Master Plan, and consistent with the Manatee County Public Works Standards, and applicable County Codes and ordinances.

Emergency Services will be provided by the Cedar Hammock Fire District, Emergency Management Services of the Manatee County Public Safety Department (EMS), and the Sheriff’s Office.

**Relation to Major Transportation Facilities**

The site is located on the east side of US 41 (Tamiami Trail) which is a major thoroughfare designated as an Arterial (Comprehensive Plan, Future Traffic Circulation Map 5B). There are transit facilities to serve the US 41 Corridor, including a bus stop adjacent to the site (MCAT 99 Route).

**Compatibility**

The proposed development is compatible with the development pattern and trends of the nearby area. The site is located on the east side of the US 41 Corridor (major thoroughfare), area in which there are built commercial and service use establishments. Adjacent to the north and south are professional and medical offices zoned PR-S, and further north and south commercial retail uses as gas stations, hotel, and boat sales zoned GC and PDC. Adjacent to the west, across US 41, there are commercial use facilities including hotel, restaurants, and marina zoned PDMU and PDW. To the east, there is a vacant residential area (part of the overall parcel in which this project is located), and further east, single-family residences within the Whitfield Subdivision zoned RSF-3.

PDC zoning requires approval of a site plan by the Board of County Commissioners and allows the Board to attach conditions to ensure compatibility and adequate transition between the proposed uses and the surrounding zoning and land uses.

**Transitions**

The site is located along a designated arterial thoroughfare (US 41 N), and within an area which has been developed with a mix of commercial and service uses. To the north, south, and west there are non-residential uses, since residential zoning and use are located to the east as previously mentioned in the staff report.

Transition between the proposed commercial development and adjacent residential areas will be provided through adequate setbacks, buffers, and screening. As shown in the General Development Plan, proposed structures will be at least 50 feet away from property lines, as well as wider roadway buffers adjacent to Jungle Way (Stipulation A.8) and adequate screening material.

**Design Quality, Access, Streets, and Driveways**

The proposed general development plan includes a maximum of 66,625 square feet of commercial space in two buildings on the east portion of the site and associated sales display/parking areas on the central and western portions of the property away from the RSF-3 zoning areas (vacant adjacent parcel and residential units within Whitfield Subdivision). The stormwater facility will be located on the northern portion of the site along Jungle Way.

The site plan shows one access point along the US 41 (arterial roadway) and no vehicular access is proposed along Jungle Way (a local street). No new streets are proposed. Internal driveways will be designed to meet all Manatee County requirements. (See Note 9 on cover sheet of the GDP)

### **Parking and Services Areas**

Parking calculations have not been provided; however, Note 9 is included in the site plan stating that the project will comply with the LDC regulations at time of PSP/FSP. Specifically, parking spaces will be provided according the requirements of LDC Section 1005 - Off-Street Parking and 1006 – Off-Street Loading. Services areas will be in compliance of applicable regulations of LDC Section 803 – Utility Service Requirements.

### **Pedestrian Systems**

The project's design will offer adequate and safety pedestrian circulation. The general development plan shows the existing 5 feet wide sidewalk along US 41 and its connection with future internal pedestrian areas, as well as a proposed 5 feet wide sidewalk along Jungle Way.

### **Historic Features**

The site lies within the HA (Historical and Archaeological) Overlay District of the Land Development Code. However, there were no known historic structures or other cultural resources found on this site according to the report titled: *An Archaeological Resource Inventory and Archaeological Site Predictive Model for Manatee County, Florida*, by Piper Archaeology (1990).

If any significant historical or archaeological resource is discovered in the, during development activities, the findings shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.

### **Intensity**

The intensity for this project is limited to a maximum of 66,625 square feet of commercial retail space and an overall Floor Area Ratio (FAR) of 0.35. This limitation complies with Policy 2.14.1.13 [Provision D.5.13/Ordinance 19-12 (PA-18-09 SaraBay Development)].

### **Height**

The General Development Plan indicates that the maximum proposed height will be 34 feet or a maximum of 2-story structures. This maximum height was evaluated by the Sarasota Manatee Airport Authority and deemed to be within a safe limit and should not create any external negative impact that would affect surrounding developments.

### **Fences, Screening, and Landscaping / Relationship to Adjacent Properties**

The General Development Plan shows the following:

- Roadway buffer: 15 foot wide along to US 41 (west boundary), as well as Jungle Way and Magellan Drive (north boundary) planting per 100 linear feet with 2 canopy trees and 33 shrubs. A 6-foot high opaque fence will be provided as part of the screening along Jungle Way.
- Perimeter buffer:
  - o 5 foot wide adjacent to office use (south boundary), planting with 2 ½ canopy trees and 33 shrubs per 100 LF (per LDC Figure 7-3 Option B).
  - o 15 foot wide adjacent to residential use (southeast boundary and approximately 50 feet in length), to be planting per LDC Figure 7.3 (Screening Option to be determined at PSP/FSP stage).
  - o 15 foot wide adjacent to residential use (east boundary), to be planting per LDC Figure 7.3 (Screening Option to be determined at PSP/FSP stage).
- Vehicular use area: Landscaping and screening for vehicular use areas will be determined at PSP/FSP

stages when a detail project design will be defined. Landscaping shall comply with the applicable regulations of LDC Section 701.3. (See Note 2 on the cover sheet of the GDP stating that the project will comply with LDC Section 700 and 701)

- **Foundation landscaping:** 20 square feet per every 1,000 square feet of gross floor area is required per LDC Section 701.5 and shall be provided at PSP/FSP stage. (See Note 2 on GDP).

Furthermore, all outdoor vehicle display areas shall be screened from adjacent rear property lines (east and south boundaries) according to the regulations of LDC Section 701.3 (Stipulation A.5).

**Yards and Setbacks**

The following chart includes the minimum setback required per LDC Section 402.11 - PDC Zoning District, and the proposed setbacks shown in the site plan:

Yards and Setbacks				
Type	Front (US 41)	Front (Jungle Way and Magellan Drive)	Side (East)	Side (South)
Required per LDC Section 402.11	30 feet	35 feet	15 feet	15 feet
Proposed per site plan (minimum)	30 feet	35 feet	20 feet	15 feet

The GDP shows at least the following setbacks: 150 feet from US 41, 100 feet from Jungle Way, and 50 feet from the east and south boundaries exceeding the minimum requirements for a planned development commercial project. Additionally, at PSP/FSP outdoor sales areas shall be located no less than 20 feet from adjacent properties zoned RSF-3 and RDD-4.5 as required per LDC Section 531.57.D and Stipulation A.5.

**Signs**

All signs will be reviewed and approved administratively at time of Final Site Plan and Building Permits and will meet the requirements of LDC Chapter 6.

**Mixed Use or Entranceway Designation**

The site is not in an area designated as a Mixed Use or an Entranceway of the County.

**Water Conservation**

The development is required to conform to Manatee County Land Development Code and Engineering Standards for water conservation measures. Irrigation for landscaping will use the lowest water quality source available. Non-potable water will be used for irrigation.

**Stormwater Management**

Per FIRM Panel 12081C0312E, effective 3/17/2014, the project area lies in Zone X, and AE. Most of the site is within the FEMA 2014 FIRM 100-year Floodplain (Zone “AE” with a Base Flood Elevation of 11.5 feet), but not delineated within the County 25-year floodplain.

The design of the stormwater facilities shall adhere to the requirements of LDC Section 801 and the Manatee County Public Works Standards. Stormwater design and calculations will be reviewed in greater detail with the Final Site Plan/Construction Plan submittal.

**Open Space**

The project will provide 20% or 0.87 acres of open space, in compliance with the minimum requirements of landscaping and permeable space for a planned development commercial project outside of the watershed overlay district.

**Other applicable LDC Standards**

\* **LDC Section 531.57 – Vehicle Sales, Rental, Leasing**

Applicable requirements of LDC Section 531.57 have been stipulated including the prohibition of use of outdoor speakers, as well as location and screening of sales and vehicle display areas adjacent to residential zoning (Stipulation A.5)

\* **LDC Section 403.2 – AI (Airport Impact) Overlay District**

- The project site is located within the 65 Ldn to 69 Ldn Noise Contour and classified as a permitted use (retail automotive, marine craft, aircraft and accessories) with no special considerations according to LDC Table 4-13 – AI Overlay Land Use Compatibility Guidelines.
- Per LDC Section 403.2.D.3, noise attributable to exterior noise shall not exceed 45 Ldn in all office spaces and areas where the public is received. Noise attenuation techniques shall be provided at time of PSP/FSP (Stipulation A.7).
- Maximum proposed project height (34 feet) comply with the Airspace Height Limitations (LDC Section 403.2.E), and the project has been deemed to be within a “safe height limitation” per the Sarasota Manatee Airport Authority.

\* **LDC Section 403.5 – HA (Historical and Archaeological) Overlay District**

As previously mentioned in the staff report, the site is part of the HA Overlay District, which is an area that was surveyed for historic resources; however, no known historic structures or other cultural resources had been found on this site.

Stipulation A.6 ensures that the discovery of any significant historical or archaeological resource will be properly reported to Florida Division of Historical Resources during development activities.

\* **LDC Section 403.13 – WR (Whitfield Residential) Overlay District**

Use and dimensional regulations set up in LDC Section 403.13.C are applicable to all land in the WR District to be used or developed for residential dwelling units on individual lots. Since residential uses are not allowed within the proposed PDC zoning district, the regulations of the above referenced section of the code are not applicable to the current project.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

**The site is within the R/O/R Future Land Use Category. A list of the Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:**

**Policy 2.1.2.7 Appropriate Timing.**

The timing is appropriate given development trends in the area. The surrounding area along the US 41 Corridor is characterized as a mix of commercial retail and commercial service areas including hotel, restaurants, marina, and professional and medical offices zoned PDMU, PDW, GC, and PR-S.

**Policy 2.2.1.17.1 Intent.** The proposed use is consistent with the intent of the R/O/R FLUC which provides for a broad range of commercial, office, and residential uses while prohibiting the intrusion of new industrial uses into ROR areas.

**Policy 2.2.1.17.2. Range of Potential Uses.**

Proposed uses are consistent with the range of potential uses for projects within the R/O/R FLUC that includes neighborhood, community and regional serving commercial uses as is shown in the attached Schedule of Uses voluntarily proffered by the applicant (Attachment 4).

**Policy 2.2.1.17.3 Range of Potential Density/Intensity.**

The maximum allowed and proposed Floor Area Ratio (F.A.R) for this site is 0.35 (66,625 square feet) according to Policy 2.14.1.13 – Provision D.5.13/Ordinance 19-12 (PA-18-09) approved by the BOCC on 06/06/2019.

**Policy 2.6.1.1 Compatibility.**

The range of land uses permitted in PDC are generally compatible with the surrounding uses. The proposed General Development Plan design is compatible with the existing commercial trends of the nearby area. The proposed use is appropriate given the project location along a major thoroughfare roadway (US 41). Adequate buffers and setback are provided for compatibility and transition to adjacent properties.

**Policy 2.6.5.4 Preserve / Protect Open Space.**

The General Development Plan shows a total of approximately 0.87 acres of open space (20%) in compliance with the minimum requirements for a Planned Development Commercial project.

**STAFF RECOMMENDED STIPULATIONS**

**A. DESIGN AND LAND USE STIPULATIONS**

1. The total square footage of the site is limited to 66,625 square foot of non-residential uses (commercial and offices) including vehicle sales and display areas.
2. The uses approved for this project are limited to those voluntarily proffered by the applicant in the Schedule of Permitted & Prohibited Uses attached to the Zoning Ordinance PDC-18-19(Z)(G) as Exhibit “B”.
3. All roof mounted H.V.A.C mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, so as not to be visible from view from US 41 N, Jungle Way, Magellan Drive, and adjacent properties at ground level. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the main buildings. Details of screening shall be submitted with Preliminary/Final Site Plan.
4. Location of dumpsters, compactors, or garbage collectors shall be provided at Preliminary/Final Site Plan. All dumpsters, compactors, or garbage collectors and other utility equipment shall be screened from view from adjacent properties in accordance with Manatee County Public Works Standards. Details of screening shall be submitted with Preliminary/Final Site Plan.
5. All requirements of LDC Section 531.57 (Vehicle Sales, Rental, Leasing) shall be complied with at time of Final Site Plan, including:
  - a. Prohibition of use of outdoor speakers where the project is adjacent to properties zoned RDD and RSF.
  - b. Outdoor sales areas shall be no less than twenty (20) feet from any adjacent property zoned RDD and RSF, and
  - c. Screening of all outdoor vehicle display areas to be located adjacent to east and south property lines shall comply with the requirements of LDC Section 701.3.
6. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida

Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.

7. Noise attenuation techniques shall be provided at time of PSP/FSP as is required per LDC Section 403.2.D.3.
8. Roadway buffers along US 41 N and Jungle Way will be 15 feet wide as shown in the General Development Plan.
9. All other applicable state or federal permits shall be obtained before commencement of the development.

#### **B. UTILITY ENGINEERING STIPULATIONS**

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
2. Potable water, wastewater, and reclaimed water infrastructure at or above ground level (i.e. water meters, fire hydrants, blow-off assemblies, backflow devices, sewer cleanouts, manholes, lift stations) dedicated to Manatee County shall be elevated to a minimum of 1-foot above the existing effective map for Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
3. The above minimum required infrastructure elevation compliance shall be demonstrated through the construction plan and Final Site Plan (FSP) submittal to Manatee County Public Works Department for approval.

#### **C. STORMWATER ENGINEERING STIPULATIONS**

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM 100-year floodplain and post-development discharge of runoff.
2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Bowlees Creek Watershed.
3. All fill within the 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table or Drainage modeling shall utilize the pending Bowlees Creek Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property.

#### **D. ENVIRONMENTAL STIPULATIONS**

1. If Gopher Tortoises or their burrows are found on site, all relocation permits and correspondence with the Florida Fish and Wildlife Conservation Commission shall be submitted to ERS staff prior to the Final Site Plan approval.
2. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval.

The Well Management Plan shall include the following information:

- Digital photographs of the well along with nearby reference structures (if existing).
- GPS coordinates (latitude/longitude) of the well.
- The methodology used to secure the well during construction (e.g. fence, tape).
- The final disposition of the well - used, capped, or plugged.

#### **ATTACHMENTS**

- 1. Staff Report Maps**
- 2. General Development Plan**
- 3. TIS and Traffic Impact Statement Approval Letter**
- 4. Schedule of Permitted & Prohibited Uses**
- 5. Correspondence from the Sarasota Manatee Airport Authority**
- 6. Zoning Disclosure Affidavit**
- 7. Newspaper Advertising**
- 8. Ordinance PDC-18-19(Z)(G)**